

## **CHAPTER 07**

# **PLACEMENT ACTIVITIES**

**CHILDREN'S ADMINISTRATION  
INDIAN CHILD WELFARE MANUAL  
CHAPTER 07—PLACEMENT ACTIVITIES**

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## **07.01 INTRODUCTION**

- A. When a case involves the foster care placement or pre-adoptive placement of an Indian child, the Children's Administration (CA) social worker follows the requirements of this chapter. "Pre-adoptive" placement means the temporary placement of an Indian child following termination of parental rights, but prior to or in lieu of adoptive placement.
  - 1. The CA social worker follows the requirements of chapter 8 in making an adoptive placement (permanent placement for adoption) of an Indian child.
  - 2. In addition to the requirements of this chapter, the social worker follows the court-related requirements of Chapter 6 of this manual.
- B. Each CA local office must set up and the assigned CA social worker must maintain a client case file for each child and the child's family in accordance with the *CA Operations Manual*, chapter 13000, sections 13230 through 13412. The case file must include, as Section V, Indian Child Welfare (ICW):
  - 1. Section V contains all ICW documentation except legal documentation, which is filed in Section II. Documentation includes, but is not limited to:
    - a. A completed *Ancestry Chart Family Tree* for the child;
    - b. Correspondence with Tribes;
    - c. Local Indian Child Welfare Advisory Committee (LICWAC) staffing reports;
    - d. Notification to families, Indian organizations, and Tribes of potential Indian status;
    - e. Relative search information for Indian children;

- f. All ICW forms, including Postal Service confirmation cards; and
  - g. The child's enrollment status information.
- 2. The information in this Section is filed chronologically.
- 3. When the ICW Checklist is utilized, it is filed directly behind the section tab.
- C. The social worker must enter Service Episode Record (SER) information on case activity, including relative search, in accordance with the *CA Operations Manual*, chapter 13000, section 13100.
- D. Prior to placing an Indian child in the home of a person other than the child's parent(s) or Indian custodian, the CA social worker must make **active efforts** to prevent or eliminate the need for removal of the child from the family home. When making case planning or placement decisions for the child, the social worker considers the child's parent(s)/Indian custodian as the primary resource for the child (See Chapter 14). If out-of-home placement is necessary, the social worker places the child in accordance with the order of preference listed in section 07.05, below, unless the child's Tribe has established a different order of preference.
- E. The requirements of the federal **Adoption and Safe Families Act** (ASFA), [42 USC 629 – 629b and 42 USC 671a] do not apply to children meeting the definition of federally recognized Indian child. However, the ASFA requirements apply to Recognized Indian Children, including Canadian First Nations Indian children. See the *CA Practices and Procedures Guide*, chapter 4000, section 42673, for requirements relating to these children.

**07.015 ASSOCIATION OF AMERICAN INDIAN REPORTS – 1969 – 1986**

A study conducted by the Association of American Indian Affairs in 1969, and updated in 1974, classified the state of Indian child custody proceedings and placements in state courts. This study found that between 25 and 35 percent of all Indian children had been separated from their families and placed in foster homes, adoptive homes, or institutions. In some states the problem was worse than in others. In Minnesota, one in every eight Indian children under eighteen was living in an adoptive home; and, in 1971-72, nearly one in every four Indian children under the age of one was adopted. During the years included in the studies:

- **Minnesota** – Indian children were placed in foster care or adoptive homes at a per-capita rate five times greater than non-Indian children.
- **Montana** – The ratio of Indian foster care placement was at least 13 times greater than other groups.
- **South Dakota** – Indian children comprised 40 percent of all adoptions made by the state since 1967-68, yet Indians made up only seven percent of the juvenile population. The number of Indian children living in foster homes was, per capita, nearly 16 times greater than the non-Indian rate of placements.
- **Washington** – The Indian adoption rate was 19 times greater and the foster care rate 10 times greater than for non-Indian children.

Congress concluded that states removed Indian children from their families for inappropriate reasons and that removals reflected a lack of understanding on the part of state administrative and judicial bodies of essential tribal relations, of Indian child rearing practices, and of the social and economic conditions prevailing on Indian reservations. These problems existed in both voluntary and involuntary proceedings (Dorsay, 1990).

In 1986, 9,005 Native American children resided in substitute care. Fifty-two percent of these children were in public programs (state care), 34 percent were in tribal care, 9 percent were in Bureau of Indian Affairs (BIA) care and 5 percent were served by off reservation programs; i.e., urban Indian centers and urban health care centers with Indian child welfare programs. During the same period, more than 9,300 children entered care while only 6,258 left care. Child welfare programs and the courts place Indian children in substitute care at a rate 3.6 times greater than the rate for non-Indian children. Although Indian children make up 0.9 percent of the total child population, they represent 3.1 percent of the total substitute care population (CSR-TFA, 1989).

The median length of time in substitute care for an Indian child is 12 to 23 months for state, tribal, and off reservation programs and 36 to 59 months for BIA programs. The proportions of children in care for three years or more are 24 percent for state programs, 18 percent for tribal programs, 57 percent for BIA programs, and 34 percent for off- reservation programs. Additionally, children are more likely to be discharged to Indian families if they are in off-reservation Indian center care or tribal care rather than in state or BIA care (CSR-TFA, 1989).

#### **07.05 PLACEMENT PREFERENCES - FOSTER CARE/PRE-ADOPTIVE PLACEMENTS**

Federally recognized Indian children are exempt from the requirements of the Multi-Ethnic Placement Act (MEPA) and the Inter-Ethnic Adoption Provisions (IEAP), 42 USC 671a. It is imperative that CA social workers exert **active and diligent efforts** to immediately place recognized Indian children within the following placement preferences, without discriminating against any potential placement on the basis of race, color, or national origin. See the *CA Operations Manual*, chapter 4000, section 4510 for MEPA/IEAP requirements.



- A. In any foster care or pre-adoptive placement of an Indian child, the social worker places the child in accordance with the order of preference established by the child's Tribe. The social worker contacts the social services program of the child's Tribe for information about the Tribe's order of preference. See Chapter 11 for Canadian First Nations Indian children and Recognized Indian Children.
- B. If the child's Tribe has not established an order of preference, the social worker places the child in the following order of preference:
  - 1. A member of the child's extended family. See chapter 14 for definition of "extended family".
  - 2. A foster home licensed, approved, or specified by the child's Tribe.
  - 3. An Indian foster home licensed or certified by DSHS or a private agency licensed by DSHS to make such placements. For purposes of applying these preferences, an "Indian foster home" means that at least one of the foster parents is a member of a federally or non-federally recognized Indian Tribe, including Eskimo, Aleut, other Alaska Native, or Canadian First Nations. See Chapter 12 for a list of federally recognized Tribes in the United States.
  - 4. An institution for children approved by an Indian Tribe or operated by the child's Indian Tribe or LICWAC, if the child's Tribe is not available, or operated by an Indian organization having a program suitable to meet the needs of the Indian child. See Chapter 14 for definition of "Indian organization."
- C. In seeking to place an Indian child in accordance with the requirements of paragraph (A) or (B) above, the social worker informs all families eligible for foster care payments of such eligibility. See the *CA Practices and Procedural Guide*, Chapter 5000, Section 5134, regarding initial foster home licenses.

**07.10 DUTIES WHEN APPLYING PLACEMENT PREFERENCES**

- A. When applying the placement preferences of Chapter 07.05, the social worker uses the social and cultural standards prevailing in the child's tribal or Indian community.
- B. When applying the preferences and not placing with the child's parent(s), the social worker, when possible:
  - 1. Places a child in the least restrictive setting which most approximates a family and which will meet the child's special needs.
  - 2. Places a child within reasonable proximity to the child's home, taking into account any special needs of the child, except that the worker may consider the parent(s)' request that the child be placed on the child's reservation even if not in proximity to the child's home.
  - 3. When placing more than one sibling, places siblings together or in close proximity unless such placement would cause serious physical or emotional harm to one or more of the children.
  - 4. Places the child where the parent has the opportunity to have regular access to the child without undue economic, physical, or cultural hardship.
  - 5. Enables siblings to have regular contact with one another and allows other family members regular access to the child, unless such contact would cause serious physical or emotional harm to one or more of the children.
- C. **Parental Placement Wishes**

The CA social worker, absent good cause, follows the wishes of the birth parent regarding the placement of the child.

- 1. The social worker gives consideration to preferences such as family constellation and religion consideration when matching children to foster homes.

2. Unless the social worker identifies and documents a compelling reason, the worker must not place a child in a home of an identified ethnicity except when ICWA guides placement preferences.
3. Parental authority is appropriate in areas that are not connected with the abuse or neglect that resulted in the dependency and should be integrated through the foster care team.

RCW 13.34.260; 42 USC 671a

- D. The social worker does not place the child outside the preference categories except as provided in section 07.35.
- E. Except in emergency circumstances, the social worker does not make a placement prior to review and, whenever possible, approval of the placement by the social services program of the child's Tribe.

#### **07.15 DILIGENT SEARCH FOR PLACEMENT**

- A. The social worker makes a diligent search for a suitable placement within the order of preference before considering a non-preferred placement.
  1. As part of a diligent search for placement, the social worker provides written notification to the child's extended family members, using *Notice to Extended Family Members*, DSHS 09-772, as required in section 07.20.
  2. The social worker documents telephone and/or written contacts in the ICW Section of the child's case record.
  3. The social worker continues a diligent search for a preferred placement following the Indian child's placement outside the preference categories.
- B. At a minimum, a diligent search involves contacting the following resources in this specified order:

1. The social services program of the child's Tribe and, if the child resides on the reservation of another Tribe, the social services program of the Tribe where the child resides.
2. The Local Indian Child Welfare Advisory Committee (LICWAC). See chapter 10 regarding LICWAC procedures.
3. Off-reservation Indian organizations. See chapter 14 for definition of "Indian organization." See chapter 12, section 12.40, for non-federally recognized Tribes.
4. The Bureau of Indian Affairs (BIA). See chapter 12 for BIA contact information.
5. Washington state and county listings of available Indian homes.
6. Nationally known Indian placement programs.
7. Other national placement programs.

**07.20 NOTICE TO CHILD'S EXTENDED FAMILY**

- A. The social worker follows the procedures in this section if an Indian child:
  1. Is placed in non-relative foster care under a parental consent, dependency disposition, or termination of parental rights; or
  2. Is moved from a relative placement to a non-relative foster care placement.
- B. The social worker is not required to follow the procedures in this section if the child is placed in the home of an extended family member. See Chapter 14 for definition of "extended family member."

- C. The social worker notifies the Indian child's extended family members of the out-of-home placement and the steps they must take if they wish to be preferentially considered as a placement resource for the child. The worker uses the *Notice to Extended Family*, DSHS 09-772.
- D. The social worker notifies those family members whose names and addresses are known or can reasonably be found with assistance from the family, the child's Tribe, the BIA, or other appropriate resources.
- E. The social worker sends the notice by registered mail, return receipt requested, immediately following placement of the child in foster care under a dependency disposition order, an order terminating parental rights, or a court validated parental consent to foster care/relinquishment. If the social worker learns the extended family member's identity subsequent to the foster care placement, the social worker sends notice at that time.
- F. See the *CA Practices and Procedures Guide*, chapter 4000, section 45273, for expectations for initial and continuing search for suitable relative placement.

#### **07.25 PARENTAL OBJECTION TO EXTENDED FAMILY NOTICE**

- A. If a child's parent(s) or Indian custodian objects to notification of an extended family member, the social worker consults with the child's Tribe in deciding whether the social worker should provide notice over the objection of the parent(s)/Indian custodian.
  - 1. If a child's parent(s)/Indian custodian expresses concern that the child could be harmed by contact with an extended family member, the social worker does not notify the family member if, after consultation with the child's Tribe, the social worker decides if the concerns of the parent(s)/Indian custodian are reasonable.

2. If the parent(s)/Indian custodian bases the objection on a desire for anonymity or other reasons, the social worker decides, in consultation with the child's Tribe, whether notice to such family member is in the child's best interests.
  3. If the social worker concludes that, after consultation with the child's Tribe, family notification is in the child's best interests, the social worker notifies the child's extended family as required in section 7.20.
- B. The social worker follows the child's Tribe's recommendation regarding notification to an extended family member, unless the worker has concluded that the child's health and safety would be endangered by such notification. The social worker must document evidence of the health and safety issues in the SER.

#### **07.30 TRIBAL REVIEW AND PLACEMENT APPROVAL**

- A. Except in emergency circumstances, the social worker does not make an out-of-home placement of an Indian child prior to review and, when possible, approval of the placement by the social services program of the child's Tribe.
- B. If the social worker does not follow the placement recommendations of the child's Tribe due to health and safety concerns, the worker must provide a written statement to the Tribe. The worker's statement must explain the efforts the worker made to reach an agreement with the Tribe regarding the placement and describe the basis for the worker's decision. The social worker must then:
1. Provide the statement to the Tribe within 10 days following the placement decision; and
  2. Place a copy of the statement in the ICW Section of the child's service record.
- C. If the child's Tribe does not approve of the placement of the child or has concerns regarding the placement, the social worker must notify the court of the child's Tribe's objection or concerns and must document the situation in the child's Individual Service and Safety Plan (ISSP).

- D. If the child's Tribe is not available to provide review and approval of the placement decision, the social worker must staff the case with LICWAC, while continuing **active efforts** to engage the child's Tribe. See Chapter 10 for LICWAC procedures.

#### **07.35 PLACEMENT OUTSIDE PREFERENCE CATEGORIES**

- A. The social worker may place a federally recognized Indian child outside the preference categories specified in this chapter only when one or a combination of the following circumstances exists:
1. The child's Tribe or the LICWAC, if the Tribe is unavailable, concurs that the best interests of the child require placement with a non-Indian family or other placement not within the preference categories. See Chapter 10 for LICWAC procedures.
  2. The child has extraordinary physical or emotional needs, diagnosed by a qualified expert, that cannot be met by a placement within the preference categories. See Chapter 14 for definition of "qualified expert." The social worker must:
    - a. Provide the child's Tribe with a written statement explaining why the child's needs cannot be met by a placement within the preference categories.
    - b. Place a copy of the statement in the ICW Section of the child's case record.
  3. The social worker has completed a diligent search for a placement within the preference categories and has determined that no suitable placement within the categories is available. In determining the suitability of a family, the social worker:
    - a. Evaluates the family in accordance with the social, economic, and cultural standards prevailing in the Indian community in which the child's parent(s) or extended family members reside or with which the parent(s) or extended family members maintain social or cultural ties.

- b. Does not base the determination of non-availability on any difference between tribal and state standards for licensing and approval of foster homes or institutions.
  4. The social worker is unable to place the child in accordance with the placement preferences due to emergency circumstances.
- B. When placing an Indian child in a placement outside the preference categories due to circumstances set forth in paragraph (A)(3) or (4), the social worker, in cooperation with the social services program of the child's Tribe or the LICWAC, if the Tribe is unavailable, continues to diligently seek a suitable placement within the preference categories. The social worker:
  1. Places the child within the preference categories at the earliest possible time.
  2. In determining whether a change in placement would harm the child, seeks evaluation by a qualified expert. See Chapter 14 for definition of "qualified expert."

#### **07.40 CHILD AND PARENTAL PLACEMENT PREFERENCES**

- A. If appropriate under the circumstances of the case and if the child is of sufficient age and maturity to be able to express a knowledgeable and reasoned opinion about the child's own placement, the social worker takes the child's preference into consideration in determining placement within the placement categories.
- B. The social worker considers the placement preference of the child's parent(s) in making a placement within the preference categories in accordance with section 07.10, above. The social worker does not consider the placement preference of the parent or child, or give weight to a parent's request for anonymity, if to do so would be contrary to:
  - The best interests of the child;
  - The child's health and safety;



- The child's tribal relationship;
  - The child's medical history; or
  - The requirements of this manual.
- C. If the child's parent(s) has voluntarily consented to foster care or pre-adoptive placement, the social worker, in making a placement within the preferences categories, gives weight to a parent's request that the parent's identity not be disclosed.

#### **07.45 RECORD OF PLACEMENT DETERMINATION**

- A. For each foster care or pre-adoptive placement determination, the social worker must document in the SER of the child's case record:
1. Efforts to provide the parent with remedial services and rehabilitative programs designed to prevent the breakup of the Indian family;
  2. The basis and other circumstances for the placement determination;
  3. If siblings are not placed together, the reasons justifying separation of siblings and the steps taken to maintain the sibling relationship following placement; and
  4. Efforts made to comply with the placement preference requirements of this chapter.
  5. Homes contacted in the course of compliance efforts, including the names and addresses of extended family members and of tribally approved homes. See Chapter 14 for definition of "extended family member."
- B. The social worker provides to the child's Tribe:
1. A copy of the service record documentation for any pre-adoptive placement at least seven business days prior to making the placement. See Chapter 04 regarding confidentiality.

2. A copy of the record documentation for any foster care placement prior to making the placement, whenever possible, or within seven business days following the placement. See Chapter 04 regarding confidentiality.

#### **07.50 CHANGE OF FOSTER CARE PLACEMENT**

- A. The social worker must notify the child's Tribe and, where rights have not been terminated, the parent(s) or Indian custodian when the social worker or the court makes a decision to change an Indian child's foster care placement, using *Notice of Placement Change*, DSHS 09-760.
  1. The social worker provides notification at least seven business days prior to the change in placement, unless exceptional circumstances necessitate a shorter notice period.
  2. The worker must provide written notification and must explain the available procedures for participation in the decision-making process and for contesting any decision of the department or the court not to return the child to the custody of the parent(s) or Indian custodian.
- B. When the social worker changes the foster care placement of an Indian child, the social worker:
  1. In cooperation with the social services program of the child's Tribe, assists the child to adjust emotionally and psychologically to the change in foster care placement.
  2. In assisting the child, uses the services of a qualified expert. See Chapter 14 for definitions of "qualified expert."
  3. If moving the child from a relative placement to non-relative foster care, follows the requirements of section 07.20 regarding notice to the child's extended family.

**07.55 THIRTY-DAY AND DEPENDENCY REVIEW INDIVIDUAL SERVICE AND SAFETY PLAN**

- A. On or before the 30th day following the out-of-home placement of an Indian child, the social worker must staff the case with a designee from the child's Tribe, if available, or LICWAC to develop the *Individual Service and Safety Plan* (ISSP), DSHS 15-200. Thereafter, the social worker must staff the case with the tribal designee or LICWAC, if the Tribe is unavailable, when developing any ISSP updates. See Chapter 04 regarding confidentiality.
- B. If the social worker prepares an ISSP, social study, or report to court for a dependency disposition hearing or a dependency review hearing, the worker follows the requirements of Chapter 06, sections 06.53 and 06.54.
- C. The social worker provides the child's Tribe with a copy of the ISSP and ISSP updates 10 days prior to regularly scheduled court reviews.

**07.60 ADMINISTRATIVE REVIEW**

- A. CA conducts administrative reviews involving Indian children as provided in the *CA Practices and Procedures Guide*, chapter 4000, section 4650.
- B. Whenever the department participates in an administrative review of an Indian child's placement in out-of-home care, the social worker:
  - 1. Provides notice of the administrative review to the child's parent(s)/Indian custodian, unless the court has previously terminated the legal rights of the parent(s)/Indian custodian;
  - 2. Assists the child's parent(s)/Indian custodian to participate in the review process; and
  - 3. Provides notice of the administrative review to the child's Tribe.

- C. The child's parent(s)/Indian custodian, the child's Tribe, and the child (if age 12 or older) may participate in the review if they choose to do so. If indigence of the parent(s) precludes parental participation in the review, the social worker must arrange for agency payment of reasonable expenses necessary to assure meaningful parental participation in the review, subject to availability of agency funds designated by the agency for such purpose.
- D. On request, the social worker must allow the child's parent(s)/Indian custodian and the child's Tribe access to all files, documents, and records pertaining to the child's placement. See Chapter 04 regarding confidentiality.
- E. When possible, the social worker involves participation of a qualified expert in the review.
- F. When the social worker makes a foster care/pre-adoptive placement in a non-Indian home, the worker, whenever possible, must involve a qualified expert in the placement. See Chapter 14 for definition of "qualified expert."

#### **07.65 RECORDS FOLLOWING PLACEMENT**

The social worker periodically or, on request, provides the child's Tribe with reports and records that the worker prepares after a foster care or pre-adoptive placement. These reports/records contain descriptions and evaluations of:

- A. The child's adjustment to the placement;
- B. The relationship of the child with the child's parents, siblings, extended family members, and Tribe following placement; and
- C. Other matters which may be considered in any administrative or judicial review of the placement. See Chapter 04 regarding confidentiality.

## **07.70 SERVICES FOLLOWING PLACEMENT**

### **07.701 SHELTER CARE**

- A. Following the placement of an Indian child in shelter care, the social worker, in cooperation with the social services program of the child's Tribe, actively provides reasonably available remedial and rehabilitative programs designed to return the child to the custody of the child's parent(s)/Indian custodian.
- B. The social worker must focus remedial and rehabilitative programs on eliminating risk to the child of sexual abuse or imminent physical harm if returned to the custody of the parent(s)/Indian custodian.

### **07.702 FOSTER CARE**

- A. When a CA social worker places an Indian child in foster care and a court has not terminated parental rights, the worker, in cooperation with the social services program of the child's Tribe, must **actively** provide reasonably available remedial and rehabilitative programs designed to return the child to the custody of the parent(s)/Indian custodian.
- B. The social worker must base the remedial and rehabilitative services on a plan designed to address and eliminate problems that are destructive to the family. The worker designs the plan to take into account the prevailing social and cultural conditions in the child's Indian community.
  - 1. At a minimum, the plan includes services for the family ordered by the juvenile court or by the tribal court (if such services would be provided if ordered by a juvenile court) as well as any other appropriate services the agency is able and willing to provide.
  - 2. The social worker develops the plan with the direct collaboration of:
    - a. The parent(s)/Indian custodians;
    - b. The child (if of sufficient age);

- c. Grandparents and extended family members (when appropriate); and
  - d. The child's Tribe or the LICWAC, if the child's Tribe is unavailable. See Chapter 10 regarding LICWAC.
- 3. When foster care placement is likely to exceed 30 days, the social worker involves a qualified expert in the development and implementation of the plan if possible. See Chapter 14 for definition of "qualified expert."
- 4. The plan encourages maintenance of an ongoing family relationship and reasonable visitation between the parent(s)/Indian custodian and the child, as well as between the child, the child's siblings, and other members of the child's extended family.
  - a. Whenever possible, visitation will take place in the home of the parent(s)/Indian custodian, the home of other family members or some other non-institutional setting permitting the child and the visitors to have a natural and unsupervised interaction.
  - b. If parental indigence precludes frequent visitation, the social worker arranges for financial or other assistance, if available, to help the parent maintain planned visitation.
- 5. The plan stresses the use and involvement, where available, of community services and resources specifically for Indian families. These include:
  - a. Extended family members;
  - b. Tribal social services and other programs;
  - c. Tribal organization programs aimed at preventing family breakup;
  - d. Traditional Indian therapy administered by traditional practitioners;

- e. Where available and appropriate, individual Indian caregivers who have skills to help the family; and
  - f. Resources of the BIA and Indian Health Service.
- C. The social worker, in cooperation with the social services program of the child's Tribe, assists the child in adjusting emotionally and psychologically to the foster care placement. As may be appropriate or necessary, this assistance will include involvement of a qualified expert in the placement of Indian children in non-Indian homes to:
  - 1. Enable the child to deal with or overcome adjustment problems unique to such placements.
  - 2. Instruct the care provider regarding the special developmental and social problems common in such placements and how best to handle such problems.
- D. The social worker, in cooperation with the social services program of the child's Tribe, provides the child and/or the foster care provider with help in resolving socio-psychological problems related to placement, if requested by the child or the care provider or as necessary. The social worker informs the foster care provider and the child, if of sufficient age, of this service.
- E. The social worker, in cooperation with the social services program of the child's Tribe, provides the foster care home or facility with information on the background and special needs, if any, of the child. When necessary, the social worker instructs or arranges for instruction of the foster care home or facility in:
  - 1. Foster care parenting skills;
  - 2. How to best meet the child's special needs; and/or
  - 3. How to best assist the child's adjustment to foster care.

- F. The social worker, in cooperation with social services of the child's Tribe, will regularly monitor the foster care home or facility for overall suitability and to assure that:
  - 1. The child is not abused or neglected;
  - 2. The child's special needs are addressed; and
  - 3. The child's relationships with the child's parent(s)/ Indian custodian, siblings, extended family members, and Tribe are encouraged.
- G. When an Indian child eligible for membership in an Indian Tribe is in foster care, the social worker seeks to secure tribal membership for the child at the earliest possible time following placement.

#### **07.703 GUARDIANSHIP**

- A. When the social worker determines a guardianship is the most appropriate placement for an Indian child, and a juvenile court or tribal court appoints a guardian for the child, the social worker, in cooperation with the social services program of the child Tribe:
  - 1. Assists the child and the guardian in adjusting emotionally and psychologically to the guardianship placement.
  - 2. Offers other foster care support and services as may be appropriate and available.
- B. If a tribal court proceeding establishes the guardianship, the social worker provides services as required in chapter 06, section 06.16.
- C. If juvenile court establishes the guardianship pursuant to a guardianship petition, the social worker provides post-placement services as required in chapter 07, subsection 07.72, if a court has not terminated parental rights, or subsection 07.74, if a court has terminated parental rights.



- D. The social worker need not regularly monitor the guardian's home, as required in sections 07.72 and 07.74, unless the court, the Tribe, or the social worker, in consultation with the worker's supervisor, determines supervision to be necessary or appropriate under the circumstances of a particular case.

**07.704 PARENTAL RIGHTS TERMINATED**

- A. When an Indian child is in foster care or pre-adoptive placement following a voluntary or involuntary termination of parental rights, the social worker, in cooperation with the social services program of the child's Tribe or LICWAC, if the child's Tribe is unavailable, develops a plan for the child's care, custody and control.
1. The plan must be consistent with:
    - a. The best interests of the child;
    - b. The child's special needs; and
    - c. The culture and customs of the child's Indian community.
  2. The principal focus of the plan is to identify the most suitable permanent living arrangement for the child. The social worker must invite the tribal social worker, or LICWAC if the child's Tribe is unavailable, to participate in the permanency planning prognostic staffing. The social worker, in collaboration with the social service program of the child's Tribe, determines whether long-term relative or foster care, guardianship, independent living, or adoption is the most suitable plan for the child.
  3. The social worker must develop the plan with direct collaboration of:
    - a. The child (if of sufficient age);
    - b. Other members of the child's extended family (whenever possible);

- c. A qualified expert; and
  - d. The child's Tribe or the LICWAC, if the child's Tribe is unavailable. See Chapter 10 regarding LICWAC.
- 4. The plan encourages maintenance of an ongoing familial relationship between the child, the child's siblings, and other members of the child's extended family.
- 5. If the court previously terminated parental rights due to a voluntary relinquishment by the child's parent(s), the plan explores whether (despite the termination) return of the child to the custody of the parent(s) is a suitable living arrangement for the child.
  - a. If return of the child to parental custody is appropriate, the plan explores the feasibility of providing the child's parent(s) with remedial and rehabilitative services designed to return custody of the child to the parent(s);
  - b. If provision of services is feasible, the social worker, in cooperation with the social services program of the child's Tribe, provides the services to the parents with the goal of returning the child to parental custody.
  - c. Whenever appropriate or necessary, the social worker obtains a court order vacating the termination of parental rights.
  - d. When the plan for the child does not include the possibility of return to parental custody, the social worker provides services to the child and foster care or pre-adoptive home as required in this section.

- B. The social worker, in cooperation with the social services program of the child's Tribe, assists the child and the natural parent in adjusting emotionally and psychologically to the termination of parental rights and to the foster care or pre-adoptive placement of the child. As may be appropriate or necessary, this assistance will include involvement of a qualified expert, including when the placement is in a non-Indian home, to help the child deal with or overcome adjustment problems unique to the placement of Indian children in non-Indian homes
- C. The social worker, in cooperation with the social services program of the child's Tribe, provides the child and foster care provider or pre-adoptive home with help in resolving socio-psychological problems related to placement, if so requested by the child, foster care provider or pre-adoptive parent or as necessary. The social worker informs the foster care provider or pre-adoptive parent and the child, if of sufficient age, of this service.
- D. The social worker, in cooperation with the social services program of the child's Tribe, also provides the foster care provider or pre-adoptive parent with information on the background and special needs, if any, of the child. When necessary, the social worker instructs the foster care provider or pre-adoptive home in:
  - 1. Foster care parenting skills;
  - 2. How to best meet the child's special needs; and
  - 3. How to best assist the child's adjustment to foster care or pre-adoptive placement.
- E. When the social worker places the child in non-Indian foster care or pre-adoptive placement, the worker arranges for a qualified expert in the placement of Indian children in non-Indian foster care or pre-adoptive placements to instruct the care provider or pre-adoptive parent on the special developmental and social problems common in such placements and how best to handle such problems.

- F. The social worker, in cooperation with the social services program of the child's Tribe, regularly monitors the foster care or pre-adoptive placement for overall suitability and to assure that:
  - 1. The child is not being abused or neglected;
  - 2. The child's special needs are addressed; and
  - 3. The child's relationships with the child's siblings, biological family, and Tribe are encouraged.
- G. When an Indian child eligible for membership in an Indian Tribe is in foster care or pre-adoptive placement following termination of parental rights, the social worker must seek to secure tribal membership for the child at the earliest possible time after the termination.

#### **07.75 INDIAN TRUST INCOME**

- A. When an Indian child is entitled to receive income from Indian trusts or other sources and the child is placed outside of the parental home, the social worker notifies the child's Tribe.
  - 1. The notice must contain a request to withhold a child's Indian trust funds and place the funds in a trust account until the child returns home or is adopted.
  - 2. The social worker files a copy of this notice in the ICW section of the child's case record.
- B. When the child returns from out-of-home placement to the custody of the parent(s)/Indian custodian, the social worker notifies the child's Tribe.

**07.80 FEDERAL BOARDING SCHOOLS**

- A. Federal boarding schools operated by the BIA are available for the education of Indian children when other resources are not available or do not meet the needs of the particular child involved. The social worker does not place an Indian child in a boarding school except in accordance with the procedures in chapter 06 and chapter 07 of this manual.
- B. CA may provide personal incidentals and the monthly replacement clothing allowance (SSPS Service Code 3223 FC CPI) while the child is in school if the following criteria are met:
  - 1. Planning for placement of the child in an out-of-state federal boarding school involved the child, the child's parent(s) or legal guardian(s), a representative of the BIA, and the social worker.
  - 2. The child was either in foster care or was a member of a family receiving Temporary Assistance to Needy Families (TANF).
  - 3. All financial resources available to the child, such as OASDI or Indian benefits, were taken into consideration.
  - 4. An Indian federal boarding school was considered a better educational resource for the child than any available in the child's home community.
- C. The social worker develops an ISSP for a dependent child placed into a boarding school.

